

Docket No. 2026-4303US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): NAM et al

Group Art Unit: TBA

Int. Serial No.: PCT/US00/15527

Examiner: TBA

Int. Date: 02 June 2000 (02.06.2000)

For: HCV/BVDV CHIMERIC GENOMES AND USES THEREOF

**INFORMATION DISCLOSURE STATEMENT**

ASST. COMMISSIONER OF PATENTS

P.O. Box 2327

Arlington, Virginia 22202

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1.  For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof is enclosed.
2.  For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3.  Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
4.  No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:  
 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

- 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.

5.  No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):

- A check in the amount of \$180.00 is enclosed in payment of the fee.
- Charge the fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

7.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.

8.  A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

- a.  37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b.  37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the

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attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

c.  The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 10 below.

9.  I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10.  This document is accompanied by  a Search Report  Communication which was cited in a corresponding PCT Application No.: PCT/US00/15527 or  Foreign counterpart application

11.  A check in the amount of \$ \_\_\_\_\_ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).

Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

12.  The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2026-4303US. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: December 3, 2001

By:   
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<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b>		Attorney Docket: 2026-4303US	Serial No.: PCT/US00/15527
		Applicant: NAM et al	
		Filing Date: 02 June 2000 (02.06.00)	Group Art Unit: TBA
		<b>U.S. PATENT DOCUMENTS</b>	

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Patent Number	Issue Date	Country	Class	Sub-Class	Translation
	WO 99/55366	4 November 1999	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

**OTHER DOCUMENTS (Including Author, Title, Date, etc.)**

	Frolov, I et al, "Cis-Acting RNA Elements Required For Replication of Bovine Viral Diarrhea Virus-Hepatitis C Virus 5' Non-translated Region Chimeras" RNA, Cambridge University Press, Cambridge, GB 4:11 (pgs 1418-1435) November 1998
	Lu, H. et al, "Poliovirus chimeras replicating under the translation control of genetic elements of HCV reveal unusual properties of the IRES of HCV" PNAS, NAS 93 (pgs 1412-1417) February 1996
	Venugopal, K. and Gould, E.A., "Towards a new generation of Flavivirus Vaccines" Vaccine 2:11 (pgs 966-975) 1994
	Meyers, G. et al, "Recovery of Cytopathogenic and Non-Cytopathogenic Bovine Viral Diarrhea Viruses from cDNA Constructs" Journal of Virology, The American Society for Microbiology 70:12 (pgs 8606-8613) December 1996
	Yu, H. et al, "Sequence and Structural Elements at the 3' Terminus of Bovine Viral Diarrhea Virus Genomic RNA: Functional Role During RNA Replication" Journal of Virology, The American Society for Microbiology 73:5 (pgs 3638-3648) May 1999
	Lai, VC; Zhong, W.; Skelton, A.; Ingravallo, P.; Vassilev, V.; Donis, RO.; Hong, Z.; and Lau JY, "Generation and characterization of a hepatitis C virus NS3 protease-dependent bovine viral diarrhea virus." Journal of Virology 74:14 (pgs 6339-6347) July 2000

Examiner	Date Considered
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	